

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BOULDER RIVER CAPITAL
CORPORATION et al.,

Plaintiff,

v.

NANO GLOBAL CORP.,

Defendant.

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1:20-CV-516-RP
(lead case)

DAVID & ANGELLA NAZARIAN
FAMILY TRUST,

Plaintiff,

v.

NANO GLOBAL CORP.,

Defendant.

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1:20-CV-519-RP

ORDER

On August 10, 2020, the Court held an initial pretrial conference in *Boulder River Capital Corporation et al. v. Nano Global Corp.*, No. 1:20-CV-516-RP (W.D. Tex. filed May 13, 2020) and *David & Angella Nazarian Family Trust v. Nano Global Corp.*, No. 1:20-CV-519-RP (W.D. Tex. filed May 14, 2020). (Minute Entry, Dkt. 14). In light of the substantial overlap between the two cases, the Court suggested that judicial economy might be served by consolidating them. All parties agreed.

Federal Rule of Civil Procedure 42(a) permits a district court to consolidate “actions before the court involv[ing] a common question of law or fact.” District courts have broad discretion in determining whether to consolidate cases. *See Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761–62 (5th Cir. 1989). Consolidation is proper when it will avoid unnecessary costs or delay without prejudicing the rights of the parties. *See id.*; *St. Bernard Gen. Hosp., Inc. v. Hosp. Serv. Ass’n of New Orleans, Inc.*, 712

F.2d 978, 989 (5th Cir. 1983). “A motion to consolidate is not required; the court may invoke Rule 42(a) *sua sponte*.” *Miller v. U.S. Postal Serv.*, 729 F.2d 1033, 1036 (5th Cir. 1984); *see also Auto-Dril, Inc. v. Canrig Drilling Tech., Ltd.*, No. 6:15-CV-00096, 2015 WL 12780793, at *4 (W.D. Tex. June 29, 2015) (explaining that “a court may order consolidation under Rule 42 sua sponte, including at the objection of the parties, should the benefit of judicial economy outweigh other interests.”).

For the reasons discussed at the initial pretrial conference, **IT IS ORDERED** that 1:20-CV-519-RP is consolidated with and into 1:20-CV-516-RP, which will be the lead case.

SIGNED on August 13, 2020.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE